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SENSITIVE
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DRL/SEAS FOR KAREN PAIKIN

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TAGS: [PREL](#) [PHUM](#) [ASEC](#) [PTER](#) [AR](#)
SUBJECT: ARGENTINA: GOA CONDEMNS ANTI-ISRAEL
DEMONSTRATIONS, REBUKES HEAD OF ANTI-DISCRIMINATION AGENCY

REF: BUENOS AIRES 0095

¶1. (SBU) Summary: The Argentine Jewish community continues to express concerns over the lack of official condemnation of recent anti-Israel protests featuring anti-Semitic imagery (reftel) led by pro-Kirchner "piquetero" social activist leader Luis D'Elia. In response to these concerns, the GOA has stepped up its efforts to denounce the demonstrations. The head of the GOA's anti-discrimination agency (INADI) Maria Jose Lubertino has come under harsh criticism from the Jewish community for defending the protests on the basis of free speech, saying Israel's military operations in Gaza "violated international law, and that turned (public opinion) against them." Cabinet Chief Sergio Massa also publicly reprimanded Lubertino, describing her statement as "infelicitous" and "poorly phrased." He said she should have rejected "any kind of discrimination and anti-Semitism."

¶2. (SBU) INADI subsequently launched a probe into the demonstrations and lodged a criminal complaint over the discriminatory graffiti and banners used during the protests, and Lubertino also met with Jewish leaders. Meanwhile, Argentine Ambassador to the United States Hector Timerman acknowledged during a radio interview the right to free speech, but stated unequivocally that "using a swastika or the Star of David is... harassment of the Argentine Jewish community." While the political leadership of Argentina's Jewish community expressed satisfaction with "some" of the GOA's responses, they expressed doubts over INADI's "ambivalent actions." End Summary.

¶3. (SBU) As reported reftel, the Argentine Jewish community remains outraged over anti-Israeli demonstrations staged by leftist organizations outside the Israeli Embassy, the headquarters of the Argentine-Israeli Mutual Association (AMIA), and a hotel owned by Argentine real estate magnate and Treasurer of the World Jewish Congress Eduardo Elsztain. They have also publicly expressed concern over the lack of official condemnation of the protests, which featured anti-Semitic imagery and was led by "piquetero" social activist leader Luis D'Elia (reftel). (Comment: D'Elia was an official in the Nestor Kirchner administration before he was sacked for publicly claiming that Iran did not have a role in the 1994 AMIA terrorist bombing. He remains a close ally of First Gentleman Nestor Kirchner.)

¶4. (SBU) In response to these concerns, the GOA stepped up its efforts to denounce the demonstrations on January 29. Maria Jose Lubertino, the President of the GOA's National Institute Against Discrimination, Racism and Xenophobia (INADI) was the target of criticism by Jewish groups and subsequently by the government. In press reports, Lubertino appeared to justify the protests on the grounds of free speech. During a radio interview on January 28, she

indicated that Israel's military operations in Gaza "violated international law, and that turned (public opinion) against them." She was subsequently criticized by the Argentine Jewish community and the local press for not condemning D'Elia.

GOA REINS IN ANTI-DISCRIMINATION CHIEF...

¶5. (SBU) The January 30 edition of left-of-center daily, "Critica" reported that former President and First Gentleman Nestor Kirchner instructed Minister of Justice Anibal Fernandez to reprimand Lubertino and that the Casa Rosada had discussed the possibility of asking for Lubertino's resignation. The article went on to explain, however, that Fernandez could not do so, since Lubertino's position is Congressionally appointed. As a result, Fernandez privately rebuked Lubertino, leaving Cabinet Chief, Sergio Massa, to publicly reprimand her, describing her statement as "infelicitous" and "poorly phrased". He added that her statement was especially troubling given that Argentina enjoys a peaceful "co-existence among religions that we need to work to maintain."

...WHO FILES ANTI-DISCRIMINATION LAWSUIT SAME DAY

¶6. (SBU) According to the English-language daily "The Buenos Aires Herald", Massa underscored the government's rejection "of any kind of discrimination and anti-Semitism." He was careful to distinguish the Jewish community from the state of Israel. Massa's comments to the press were not only intended to set the record straight, but also to rein in Lubertino.

"Critica," citing unspecified sources within Massa's office, indicated that he decided to publicly, instead of privately, reprimand Lubertino to ensure that "she understands the government's position on the subject...so that she stops giving her opinion on everything." Thus chastened, Lubertino on January 29 announced that INADI launched a probe into the recent demonstrations and lodged a criminal complaint on January 30 over discriminatory graffiti and banners, according to "the Buenos Aires Herald." (Note: Under Argentina's national Anti-Discrimination law, hate speech is considered a misdemeanor. Hate speech can also be an aggravating factor in a serious crime, resulting in stiffer penalties.)

GOA CONDEMNS ANTI-SEMITISM ESPOUSED BY A FEW

¶7. (SBU) Meanwhile, Human Rights Secretary Eduardo "Luis" Duhalde on January 29 condemned the demonstrations and said the GOA would bring legal actions against the demonstrators. The GOA will "go to utmost lengths to halt behavior that is tinged with racism or discrimination on Argentine territory, even if these are perpetrated by a minority", Duhalde said. Alluding to Lubertino's statements, Duhalde said "these criminal acts...can't be justified by the current international situation."

DIFFERENTIATING FREEDOM OF SPEECH FROM HATE SPEECH

¶8. (SBU) The Argentine Ambassador to the United States, Hector Timerman, also tried to distance the GOA from Lubertino's remarks, saying "anyone has the right to criticize the State of Israel, but using a swastika or the Star of David is something more troubling -- it is harassment of the Argentine Jewish community." He explained that the demonstrations "allegedly criticized the actions of the Israeli state, but deep down they also showed a profound anti-Semitic streak (which) should not be overlooked." In a radio interview quoted in the local daily "BAE," Timerman stressed that Argentina is not an anti-Semitic country, but that there are "groups that seek to take advantage of a foreign conflict to attack the Argentine Jewish community." He indicated that "the demonstrations, which were supposedly

criticizing the Israeli state, exhibited profound anti-Semitism...When a group approaches an office of a Jewish businessman and they harass him only because he is Jewish, that is anti-Semitism, and that has nothing to do with international conflict." During the radio interview, he stressed that Argentina supports the creation of a Palestine state.

D'ELIA CONTINUES TO STIR THE POT

¶9. (SBU) Despite the official and public condemnation of D'Elia's role in the protests, the piquetero leader continues to spark controversy. On January 29, he criticized the Argentine Jewish community saying "(they) should have joined the thousands of Jews that protested in Tel Aviv opposing the (Israeli) government's killing and aggression in the Gaza Strip. I would have liked to see them repudiate their government's (actions), just like we did." He then criticized Massa on January 30 for publicly rebuking Lubertino, saying "she did nothing wrong", and called him a "bootlicker of the United States, the U.K., and Israel." (He added that, except for the bootlicking, he gets along fine with Massa.) He also urged the GOA not to be "influenced by U.S. and Israeli lobbies." On January 31, Lubertino for the first time called on D'Elia to "confirm or retract his statements." According to the press, if D'Elia stands by his statements, he will be subject to an investigation for discrimination against the Jewish community.

JEWISH COMMUNITY CALLS FOR CONCRETE ACTIONS...

¶10. (SBU) While the Delegation for Argentine-Jewish Associations' (DAIA) vice-president Angel Schindel indicated that the Jewish community was expecting "concrete actions" from the government, he expressed satisfaction with "some" of the GOA's responses and doubts over INADI's "ambivalent actions." He expressed hope that the GOA would act appropriately against demonstrators that he felt sure were "backed by terrorists." Meanwhile, the victims advocacy organization, Friends and Family of Victims of the AMIA Bombing, continues to call for Lubertino's resignation.

...LUBERTINO OFFERS AN OLIVE BRANCH

¶11. (SBU) In an effort to make amends with the Jewish community, Lubertino met with AMIA and DAIA leaders on February 2. According to the local press, both the AMIA and the DAIA sought to defuse the situation after days of confrontation, and stressed that they had never requested Lubertino's resignation. Lubertino informed the Jewish community leaders that INADI had filed a legal complaint against Socialist Convergence leader, Juan Carlos Beica, for the protest against Eduardo Elsztain. She also informed them that INADI would introduce two bills 1) "to criminalize the denial of the Holocaust, the Armenian genocide, or state terrorism practiced by Argentina's last military dictatorship" and 2) to transfer the jurisdiction over Buenos Aires city discrimination cases from the city to the federal courts in line with the rest of the country. AMIA Secretary General Julio Schlosser subsequently told the press that the meeting with Lubertino was "cordial", and unspecified Jewish leaders asserted that Lubertino assured them that the press had taken her statements out of context. The Ambassador called Lubertino earlier on February 2 and said that we appreciated her dedicated work on human rights and against discrimination and that we were sure she would do the right thing in opposing anti-Semitic activities. She claimed that the press had distorted her words and that she had only meant to repeat what the MFA had said in its statement on Gaza. She said she would be meeting later that day with DAIA and AMIA and that she would pursue any anti-Semitism or racism vigorously while protecting free speech.

"La Nacion" Calls Campaign "Perfectly Organized and Financed"

¶12. (SBU) "La Nacion's" lead editorial on February 1 described the anti-Semitic nature of the protests as "unacceptable" and noted that AMIA sources have "indicated, with more than enough reason, that these acts are part of a 'perfectly organized, paid and financed' anti-Jewish campaign. The silence of the nation's governing officials, political parties and social sectors is inexcusable." The editorial called on the Argentine public to "seriously treat this absurd return to a time fifty years ago when some perverse minorities sympathetic to International Nazi-fascism conducted even darker anti-Jewish protests...This new anti-Semitic outbreak in Argentina should be repudiated and condemned..."

Comment

¶13. (SBU) In general, anti-Semitic incidents in Argentina are largely the result of individual, as opposed to organized, systematic acts. Argentina's established Jewish and Muslim communities have co-existed peacefully for generations, and the GOA regularly sponsors and participates in interfaith dialogues between the Christian, Jewish, and Muslim communities. However, the recent Israeli military operations in Gaza and the 2006 Israel-Lebanon conflict resulted in an uptick in reports of anti-Semitic acts throughout the country. It is reassuring that the GOA is condemning anti-Semitism and the use of anti-Semitic imagery, while at the same time acknowledging the right to free speech for those who wish to criticize any of the parties in the Middle East conflict. End Comment.
WAYNE